

1
2
3
4
5 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
6 PALM BEACH COUNTY, FLORIDA, ENACTED TO PROTECT EXISTING
7 AND FUTURE POTABLE WATER SUPPLIES; TO BE KNOWN AS THE
8 PALM BEACH COUNTY WELLFIELD PROTECTION ORDINANCE;
9 PROVIDING FOR SHORT TITLE APPLICABILITY, AND
10 CONSTRUCTION; SETTING FOR THE LEGISLATIVE INTENT;
11 PROVIDING FOR DEFINITIONS; PROVIDING FOR MAPS OF ZONES OF
12 INFLUENCE; PROVIDING FOR RESTRICTIONS WITHIN ZONES OF
13 INFLUENCE; PROVIDING FOR PERMITS; PROVIDING FOR THE
14 PROTECTION OF FUTURE WELLFIELDS; PROVIDING FOR THE
15 DETERMINATION OF LOCATION WITHIN ZONES; PROVIDING FOR THE
16 APPLICATION TO NEW ACTIVITIES AND RESTRICTIONS ON THE
17 ISSUANCE OF BUILDING PERMITS AND OCCUPATIONAL LICENSES;
18 PROVIDING FOR GENERAL EXEMPTIONS; PROVIDING FOR SPECIAL
19 EXEMPTIONS; PROVIDING FOR COMPENSATION; PROVIDING FOR THE
20 TRANSFER OF THE REGULATED ACTIVITY; PROVIDING FOR TRADE
21 SECRETS; PROVIDING FOR VIOLATIONS, ENFORCEMENT AND
22 PENALTIES; PROVIDING FOR ENFORCEMENT BY THE GROUNDWATER
23 AND NATURAL RESOURCES PROTECTION BOARD; PROVIDING FOR
24 REVIEW BY THE ENVIRONMENTAL ORDINANCE APPEALS BOARD;
25 PROVIDING FOR THE PALM BEACH COUNTY POLLUTION RECOVERY
26 TRUST FUND; PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
27 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN
28 THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN
29 EFFECTIVE DATE.
30
31

32 WHEREAS, most of Palm Beach County's potable water supply
33 is obtained from localized shallow aquifer sources, and

34 WHEREAS, it is acknowledged that inappropriate development
35 and land use contributes to degradation of groundwater quality, and

36 WHEREAS, there is a need to protect the existing and future
37 potable water supply sources of Palm Beach County from degradation
38 and from the intentional or unintentional introduction of
39 deleterious substances into such sources, and

40 WHEREAS, it is the intent and policy of the Board of County
41 Commissioners of Palm Beach County, to ensure under this Ordinance,
42 the continued health, safety, welfare and quality of environment
43 for the residents of and visitors to Palm Beach County, and

44 WHEREAS, the Board of County Commissioners has the authority
45 under the Palm Beach County Charter to adopt a countywide ordinance
46 relating to the protection of wells and wellfields by providing
47 criteria for regulating and prohibiting the use, handling,

1 production and storage of certain deleterious substances which may
2 impair present and future public potable water supply wells and
3 wellfields.
4

5 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
6 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:
7

8 Section 1. SHORT TITLE; APPLICABILITY; CONSTRUCTION.

9 1.01 This Ordinance shall be known as the "Palm Beach County
10 Wellfield Protection Ordinance."
11

12 1.02 All provisions of this Ordinance shall be effective
13 within the incorporated and unincorporated areas of Palm Beach
14 County, Florida, and shall set restrictions, constraints and
15 prohibitions to protect present and future public potable water
16 supply wells and wellfields from degradation by contamination of
17 deleterious substances.
18

19 1.03 This Ordinance shall be liberally construed to
20 effectuate the purposes set forth herein.
21

22 Section 2. LEGISLATIVE INTENT.

23 2.01 The intent and purpose of this Ordinance is to protect
24 and safeguard the health, safety, and welfare of the residents and
25 visitors of Palm Beach County, Florida by providing criteria for
26 regulating and prohibiting the use, handling, production and
27 storage of certain deleterious substances which may impair present
28 and future public potable water supply wells and wellfields.
29

30 2.02 The Generic Substance List attached hereto and
31 incorporated herein as Exhibit A, is provided for informational
32 purposes and may be revised from time to time by the Department

1 without further action by the County Commission. Persons using,
2 handling, producing or storing a substance on the generic list may
3 be using, handling, producing or storing a Regulated Substance as
4 defined by this Ordinance and, therefore, may be subject to the
5 requirements of this Ordinance. Persons unsure as to whether they
6 are subject to this Ordinance may wish to consult with the
7 Department.

8
9 Section 3. DEFINITIONS.

10 3.01 The following definitions apply within this Ordinance:

- 11 (a) Aquifer. A groundwater bearing geologic
12 formation, or formations, that contain enough
13 saturated permeable material to yield
14 significant quantities of water.
- 15 (b) Closure Permit. That permit required by activities which
16 must cease operation pursuant to the provisions of
17 Section 5 of this Ordinance, the criteria for which are
18 set forth under Section 6 of this Ordinance.
- 19 (c) Completed Application. An application which includes all
20 materials and documents which are necessary to support
21 the application and which has been accepted as complete
22 by the Department.
- 23 (d) Cone of Depression. An area of reduced water levels
24 which results from the withdrawal of groundwater from a
25 point of collective source such as a well, wellfield, de-
26 watering site or quarry. The areal extent and depth of
27 the depression is a function of the hydraulic properties
28 of the aquifer, the pumpage rates and recharge rates.
- 29 (e) Department. Palm Beach County Department of
30 Environmental Resources Management, charged by the Board
31 of County Commissioners with responsibility for
32 administering and enforcing this Ordinance.

- 1 (f) Designated Public Utility. That public utility which
2 operates a well or wells for which the zones of influence
3 include part or all of the property on which the
4 nonresidential activity is located.
- 5 (g) Domestic Sludge. A solid waste resulting from sewage,
6 seepage, or food service operations, or any other such
7 waste having similar characteristics. Domestic sludge
8 includes sludge resulting from the treatment of domestic
9 wastewater.
- 10 (h) Domestic Wastewater. Wastewater derived principally from
11 dwellings, business buildings, institutions, and the
12 like; sanitary wastewater; sewage.
- 13 (i) Emergency Hazardous Situation. Exists whenever there is
14 an immediate and substantial danger to human health,
15 safety, or welfare or to the environment.
- 16 (j) Environmental Ordinance Appeals Board. That Board
17 designated by the Board of County Commissioners of Palm
18 Beach County to hear and render decisions on appeals of
19 final administrative determinations, and to conduct
20 hearings and render decisions as required under
21 applicable county environmental Ordinances.
- 22 (k) EPA. United States Environmental Protection Agency.
- 23 (l) Exfiltration System. Any gallery, perforated or "leaky"
24 pipe or similarly designed structure which is used to
25 dispose of untreated stormwater by allowing the routed
26 water to percolate by subsurface discharge directly or
27 indirectly into the groundwater.
- 28 (m) Facility. Main structures, accessory structures and
29 activities which store, handle, use or produce Regulated
30 Substances. Where contiguous facilities exist and such
31 facilities are separate in the nature of the businesses,
32 they shall remain separate under this Ordinance.

- 1 (n) Generic Substance List. Those general categories of
2 substances set forth in Exhibit A attached hereto and
3 incorporated herein.
- 4 (o) Groundwater. Water that fills all the unblocked voids of
5 underlying material below the ground surface, which is
6 the upper limit of saturation, or water which is held in
7 the unsaturated zone by capillarity.
- 8 (p) Groundwater and Natural Resources Protection Board. That
9 Board designated by the Board of County Commissioners of
10 Palm Beach County, to hear alleged violations of this
11 Ordinance and other state and local laws protecting the
12 groundwater and natural resources of the County.
- 13 (q) Laboratory. A designated area or areas used for testing,
14 research, experimentation, quality control, or prototype
15 construction, but not used for repair or maintenance
16 activities (excluding laboratory equipment), the
17 manufacturing of products for sale, or pilot plant
18 testing.
- 19 (r) Land Application. The application or disposal of
20 effluents or sludges on, above, or into the surface of
21 the ground through spray irrigation, land spreading, or
22 other methods.
- 23 (s) Nonresidential Activity. Any activity which occurs in
24 any building, structure or open area which is not used
25 primarily as a private residence or dwelling.
- 26 (t) One Foot Drawdown Contour. The locus of points around a
27 well or wellfield where the free water elevation is
28 lowered by one (1) foot due to a specified pumping rate
29 of the well or wellfield.
- 30 (u) Operating Permit. The permit required of certain
31 activities under Section 5 of this Ordinance to operate,
32 the criteria for which are set forth under Section 6 of

1 the criteria for which are set forth under Section 6 of
2 this Ordinance.

3 (v) Percolation Pond. An artificial impoundment similar to
4 a holding pond for which the design and operation
5 provides for fluid losses through percolation or seepage.

6 (w) Person. Any individual, public or private corporation,
7 firm, association, joint venture, partnership,
8 municipality, governmental agency, political subdivision,
9 public officer, owner, lessee, tenant or any other entity
10 whatsoever or any combination of such jointly or
11 severally.

12 (x) Potable Water. Water that is intended for drinking,
13 culinary or domestic purposes, subject to compliance with
14 County, State or Federal drinking water standards.

15 (y) Public Utility. Any privately-owned, municipally-owned,
16 County-owned, special district-owned, or State-owned
17 system providing water or wastewater service to the
18 public which has at least fifteen (15) service
19 connections or regularly serves at least twenty-five (25)
20 individuals daily for at least sixty (60) days of the
21 year.

22 (z) Regulated Substances.

23 (1) Those deleterious substances and contaminants, including
24 degradation and interaction products which, because of
25 quality, concentration, or physical, chemical (including
26 ignitability, corrosivity, reactivity and toxicity), or
27 infectious characteristics, radioactivity, mutagenicity,
28 carcinogenicity, teratogenicity, bioaccumulative effect,
29 persistence (non-degradability) in nature, or any other
30 characteristic, may cause significant harm to human
31 health and environment (including surface and
32 groundwater, plants, and animals).

1 (2) Regulated Substances shall include, but are not
2 limited to, those substances set forth in the lists, as
3 amended from time to time, entitled Lists of Hazardous
4 Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261,
5 Appendix VIII-Hazardous Constituents, and EPA Designation
6 Reportable Quantities and Notification Requirements for
7 Hazardous Substances Under CERCLA (40 CFR 302, effective
8 July 3, 1986); provided, however, that this Ordinance
9 shall only apply whenever the aggregate sum of all
10 quantities of any one Regulated Substance at a given
11 facility/building at any one time exceeds five (5)
12 gallons where said substance is a liquid, or twenty-five
13 (25) pounds where said substance is a solid.

14
15 The Ordinance shall also apply if no single substance
16 exceeds the above reference limits but the aggregate sum
17 of all Regulated Substances present at one
18 facility/building at any one time exceeds one hundred
19 (100) gallons if said substances are liquids, or five
20 hundred (500) pounds if said substances are solids.

21
22 Where Regulated Substances are dissolved in or mixed with
23 other non-Regulated Substances, only the actual quantity
24 of the Regulated Substance present shall be used to
25 determine compliance with the provisions of this
26 Ordinance.

27
28 Where a Regulated Substance is a liquid, the total volume
29 of the regulated Substance present in a solution or
30 mixture of said substance with other substances shall be
31 determined by volume percent composition of the Regulated
32 Substance, provided that the solution or mixture

1 of the regulated Substance present in a solution or
2 mixture of said substance with other substances shall be
3 determined by volume percent composition of the Regulated
4 Substance, provided that the solution or mixture
5 containing the Regulated Substance does not itself have
6 any of the characteristics described in Section 3.01 (z)
7 (1) above.

8 (aa) Retention or Detention Pond. Any pit, pond, or
9 excavation excluding canals of conference which creates
10 a body of water by virtue of its connection to
11 groundwater, and which is intended to receive stormwater.

12 (bb) Spill. The unpermitted release or escape of a Regulated
13 Substance, irrespective of the quantity thresholds in
14 Section (z) (2), directly or indirectly to soil, surface
15 waters or groundwaters.

16 (cc) Stormwater Treatment Volume. For commercial or
17 industrial properties, one half (1/2) inch of runoff
18 calculated over the entire project area excluding canals
19 and lakes. For residential properties, one half (1/2)
20 inch of runoff times the percentage of all impervious
21 surfaces.

22 (dd) Utility. A public utility, power company or telephone
23 company which serves the general public.

24 (ee) Well. Any excavation that is drilled, cored, bored,
25 washed, driven, dug, jetted, or otherwise constructed
26 when the intended use of such excavation is to conduct
27 groundwater from a source bed to the surface by pumping,
28 natural flow or other method.

29 (ff) Wellfield. An area of land which contains one or more
30 than one well for obtaining water.

31 (gg) Zones of Influence. Zones delineated by iso-travel time
32 contours and he one (1) foot drawdown contour within

1 cones of depression o wells which obtain water from the
2 unconfined or surficial aquifer system. These zones are
3 calculated, based on the rate of movement of groundwaters
4 in the vicinity of wells at a specified pumping rate.

5 (hh) Zones of Influence Maps. Aerial photographs at scales
6 determined by the Department showing the location on the
7 ground of the outer limits of Zones of Influence for
8 present and future public potable water supply wells and
9 wellfields permitted for 100,000 gallons per day or more.

10
11 Section 4. MAPS OF ZONES OF INFLUENCE.

12 4.01 The Zones of Influence Maps developed as described in
13 subsection 4.02, Zone One (1) being completed on February 19,
14 1988, and Zones Two (2) and Three (3) being completed in May,
15 1988, are incorporated herein and made a part of this Ordinance.
16 These Maps shall be on file and maintained by the Department. Any
17 amendments, additions or deletions to said Maps shall be approved
18 by the Board of County Commissioners of Palm Beach County
19 following written notice, by the Department, to property owners
20 within the area covered by the amendment, addition, or deletion,
21 and after public hearing. Written notice as provided herein shall
22 be at least thirty (30) days prior to the public hearing on the
23 amendment, addition or deletion. Said maps shall be provided to
24 the Palm Beach County Planning, Zoning and Building Department,
25 the Groundwater and Natural Resources Protection Board and any
26 other agency requesting said maps.

27
28 4.02 The Zones of Influence maps are based upon travel time
29 contours and one foot drawdown contours. They are generated using
30 a contaminant transport computer model that simulates pollutant
31 movement using particles released around wells in an inverted
32 head/velocity field. The head/velocity field is calculated by

1 using finite difference computer modeling techniques that
2 incorporate the effects of an extensive canal system and Year 2010
3 build out pumpage rates. The pumping rates were determined by
4 first projecting population figures for the Year 2010 for each
5 public utility service area and multiplying this by a per capita
6 consumption rate determined by the South Florida Water Management
7 District and by consultation with public utilities regarding
8 wellfield expansion and development.

9
10 4.03 The Zones of Influence Maps shall be reviewed at least
11 on an annual basis. However, failure to conduct said review shall
12 not affect the validity of the existing approved Maps. The basis
13 for updating said Maps may include, but is not limited to, the
14 following:

- 15 (a) Changes in the technical knowledge concerning the
16 applicable aquifer.
- 17 (b) Changes in pumping rate of wellfields.
- 18 (c) Wellfield reconfiguration.
- 19 (d) Designation of new wellfields.

20
21 4.04 The Zones of Influence indicated on the Zones of
22 Influence Maps are as follows:

- 23 (a) Zone One (1): The land area situated between the well(s)
24 and the thirty (30) day travel time contour.
- 25 (b) Zone Two (2): The land area situated between the thirty
26 (30) day and the two hundred ten (210) day travel time
27 contours.
- 28 (c) Zone Three (3): The land area situated between the two
29 hundred ten (210) day and the five hundred (500) day
30 travel time contours.
- 31 (d) Zone Four (4). The land area situated beyond the five
32 hundred (500) day travel time contour and within the

1 one (1) foot drawdown contour.

2
3 Section 5. RESTRICTIONS WITHIN ZONES OF INFLUENCE.

4 5.01 Zone One (1): The use, handling, production, and
5 storage of Regulated Substances associated with nonresidential
6 activities is prohibited in Zone One (1), except as provided under
7 the General Exemptions and Special Exemptions provisions of this
8 Ordinance. All existing nonresidential activities within Zone One
9 (1) which store, handle, use or produce any Regulated Substances
10 shall cease to do so within one year from the date of notification
11 under this Ordinance, except as provided in this Section. The
12 owners or operators of such activities within Zone One (1) shall be
13 notified in writing, by certified mail, or hand delivery by the
14 Department, within sixty (60) days of the effective date of this
15 Ordinance as to the requirement to cease the use, handling,
16 storage, and production of Regulated Substances.

17
18 A Closure Permit application, General Exemption application if the
19 activity is claimed to be exempted under the provisions of Sections
20 12.02, 12.03, or 12.07 of the Ordinance, or a Special Exemption
21 application prepared and signed by a Professional Engineer or
22 Professional Geologist registered or licensed in the State of
23 Florida shall be submitted to the Department within 120 days
24 receipt of the notice to cease. Within 30 days of receipt of said
25 notice, the owner or operator shall file with the Department proof
26 of retention of said engineer or geologist.

27
28 Any nonresidential activity in Zone One (1) which is allowed to
29 continue in accordance with the General Exemptions or Special
30 Exemptions set forth in this Ordinance shall obtain an Operating
31 Permit, unless expressly not required by this Ordinance, which
32 shall indicate the special conditions to be instituted and the

1 dates on which such conditions shall be instituted. Such
2 activities shall comply with all Zone Two (2) requirements unless
3 otherwise provided herein. No expansions, modifications or
4 alterations which would increase the storage, handling, use or
5 production of Regulated Substances shall be permitted in Zone One
6 (1). An owner or operator that is denied a Special Exemption shall
7 be issued a Closure Permit as part of the denial process. Any
8 operating permit application required herein shall be filed with
9 the applications for General Exemption or Special Exemption.

10
11 5.02 Zone Two (2): All nonresidential activities within
12 Zone Two (2) which store, handle, use or produce any Regulated
13 Substance are prohibited from doing so unless they qualify as a
14 General Exemption, obtain a Special Exemption, or receive an
15 Operating Permit from the Department which complies with the
16 following conditions:

17 (a) Containment of Regulated Substances.

18 Leak-proof trays under containers, floor curbing or other
19 containment systems to provide secondary liquid
20 containment shall be installed. The containment shall be
21 of adequate size to handle all spills, leaks, overflows,
22 and precipitation until appropriate action can be taken.
23 The specific design and selection of materials shall be
24 sufficient to preclude any Regulated Substance loss to
25 the external environment. Containment systems shall be
26 sheltered so that the intrusion of precipitation is
27 effectively prevented. The owner/operator may choose to
28 provide adequate and appropriate liquid collection
29 methods rather than sheltering only after approval of the
30 design by the Department. These requirements shall apply
31 to all areas of use, production, and handling, to all
32 storage areas, to loading and off-loading areas, and to

1 above-ground and underground storage areas. The
2 containment devices and liquid collection systems shall
3 be certified in the operating permit application by the
4 Professional Engineer or Professional Geologist
5 registered or licensed in the State of Florida.

6 (b) Emergency collection devices. Vacuum suction devices,
7 absorbent scavenger materials or other devices approved
8 by the Department, shall be present on-site or available
9 within two (2) hours (one hour in Zone One) by contract
10 with a clean up company approved by the Department, in
11 sufficient magnitude so as to control and collect the
12 total quantity of Regulated Substances present.

13 To the degree feasible, emergency containers shall be
14 present and of such capacity as to hold the total
15 quantity of Regulated Substances plus absorbent material.
16 The presence of such emergency collection devices shall
17 be certified in the Operating Permit application for
18 existing activities. Such certification for new
19 activities shall be provided to the Department prior to
20 the presence of Regulated Substances on the site.
21 Certification shall be provided by a Professional
22 Engineer or Professional Geologist registered or licensed
23 in the State of Florida.

24 (c) Emergency plan. An emergency plan shall be prepared and
25 filed with the Operating Permit application indicating
26 the procedures which will be followed in the event of
27 spillage of a Regulated Substance so as to control and
28 collect all such spilled material in such a manner as to
29 prevent it from reaching any storm or sanitary drains or
30 the ground.

31 (d) Inspection. A responsible person designated by the
32 permittee who stores, handles, uses or produces the

1 Regulated Substances shall check on every day of
2 operation, for breakage or leakage of any container
3 holding the Regulated Substances. Electronic sensing
4 devices may be employed as part of the inspection
5 process, if approved by the Department, and provided the
6 sensing system is checked daily for malfunctions. The
7 manner of daily inspection shall not necessarily require
8 physical inspection of each container provided the
9 location of the containers can be inspected to a degree
10 which reasonably assures the Department that breakage or
11 leakage can be detected by the inspection. Monitoring
12 records shall be kept and made available to the
13 Department at all reasonable times for examination.

14 (e) Proper and adequate Regular Maintenance of containment
15 and emergency equipment. Procedures shall be established
16 for the quarterly in-house inspection and maintenance of
17 containment and emergency equipment. Such procedure
18 shall be in writing; a regular checklist and schedule of
19 maintenance shall be established; and a log shall be kept
20 of inspections and maintenance. Such logs and records
21 shall be available for inspection by the Department.

22 (f) Reporting of spills. Any spill of a Regulated Substance
23 in excess of the non-aggregate quantity thresholds in
24 Section 3.01(z)(2) shall be reported by telephone to the
25 Palm Beach County Health Unit and designated public
26 utility within one (1) hour, and the Department within
27 twenty-four (24) hours of discovery of the spill. Clean-
28 up shall commence immediately upon discovery of the
29 spill. A full written report including the steps taken
30 to contain and clean up the spill shall be submitted to
31 the Department within fifteen (15) days of discovery of
32 the spill.

1 (g) Monitoring for Regulated Substances in the potable water
2 well. Arrangements shall be made with the designated
3 public utility to establish a semi-annual schedule of raw
4 water analysis unless sampling results indicate
5 contamination, in which case the Department shall require
6 an increased sampling schedule. The analysis shall be
7 for all substances which are listed on the Operating
8 Permit. The analytical reports shall be prepared by a
9 State of Florida certified laboratory, certified for the
10 applicable analyses. It shall be the responsibility of
11 the designated public utility to provide for the sampling
12 and analyses but the cost shall be borne by the permittee
13 or those permittees on a pro-rata basis as to the same
14 substances listed on the permits of those permittees in
15 Zones of Influence of the subject well. Samples shall be
16 taken by the State certified laboratory performing the
17 analyses, or its authorized representative.

18 Semi-annual reports prepared by a State of Florida
19 certified laboratory of the analyses for Regulated
20 Substances shall be submitted to the Department for the
21 purpose of determining the presence of Regulated
22 Substances in each well for which a Zone of Influence Map
23 has been established.

24 (h) Monitoring for Regulated Substances in groundwater
25 monitoring wells. Groundwater monitoring well(s) shall
26 be provided at the expense of the permittee in a manner,
27 number and location approved by the Department. Except
28 for existing wells found by the Department to be adequate
29 for this provision, the required well or wells shall be
30 installed by a State of Florida licensed water well
31 contractor. Samples shall be taken by the State
32 certified laboratory performing the analyses, or its

1 authorized representative. Analytical reports prepared
2 by a State of Florida certified laboratory of the
3 quantity present in each monitoring well of the
4 Regulated Substances listed in the activity's Operating
5 Permit shall be filed at least semi-annually, or more
6 frequently, as determined by the Department, based upon
7 site conditions and operations.

8 (i) Alterations and expansion. The Department shall be
9 notified in writing prior to the expansion, alteration or
10 modification of an activity holding an Operating Permit.
11 Such expansion, alteration, or modification may result
12 from increased square footage of production or storage
13 capacity, or increased quantities of Regulated
14 Substances, or changes in types of Regulated Substances
15 beyond those square footage, quantities, and types upon
16 which the permit was issued. Should a facility add new
17 Regulated Substances which individually are below the
18 non-aggregate limits in Section 3.01(z)(2), it shall
19 notify the Department on the annual basis of the types
20 and quantities of such substances added and the location
21 of the use, handling, storage, and production of said
22 substances. Any such expansion, alteration or
23 modification shall be in strict conformity with this
24 Ordinance. Further, except as provided herein, any
25 existing Operating Permit shall be amended to reflect the
26 introduction of any new Regulated Substances resulting
27 from the change. However, the introduction of any new
28 Regulated Substance shall not prevent the revocation or
29 revision of any existing Operating Permit if, in the
30 opinion of the Department, such introduction substan-
31 tially or materially modifies, alters or affects the
32 conditions upon which the existing Operating Permit was

1 granted or the ability to remain qualified as a General
2 Exemption, if applicable, or to continue to satisfy any
3 conditions that have been imposed as part of a Special
4 Exemption, if applicable. The Department shall notify
5 the permittee in writing within sixty (60) days of
6 receipt of the permittee's notice that the Department
7 proposes to revoke or revise the permit and stating the
8 grounds therefore.

9 (j) Reconstruction after catastrophe. Reconstruction of any
10 portion of a structure or building in which there is any
11 activity subject to the provisions of this regulation
12 which is damaged by fire, vandalism, flood, explosion,
13 collapse, wind, war or other catastrophe shall be in
14 strict conformity with this Ordinance.

15 (k) Operating or Closure Permits. All existing nonresi-
16 dential activities in Zone Two (2) which use, handle,
17 store, or produce Regulated Substances shall file an
18 application for an Operating Permit or Closure Permit
19 within ninety (90) days of the receipt of written notice
20 from the Department. Said permit application shall be
21 prepared and signed by a Professional Engineer or Pro-
22 fessional Geologist registered or licensed in the State
23 of Florida except as provided in Sections 6.02 (b) or 12
24 of this Ordinance. Within thirty (30) days of receipt of
25 said notice, the owner or operator shall file with the
26 Department proof of retention of said engineer or
27 geologist. If application is made for an Operating
28 Permit, such a permit shall be issued or denied within
29 sixty (60) days of the filing of the completed
30 application. If the application for an Operating Permit
31 is denied, then the activity shall cease within one
32 hundred eighty (180) days of the denial of the Operating

1 Permit. All Regulated Substances and contaminated
2 containers shall be disposed in a lawful and
3 environmentally sound manner in accordance with
4 applicable state and federal laws, and the activity and
5 environs shall be cleaned up so as to preclude leaching
6 of residual Regulated Substances into the environment.
7

8 5.03 Zone Three (3): All nonresidential activities within
9 Zone Three (3) which store, handle, produce or use any Regulated
10 Substances are prohibited unless they qualify as a General
11 Exemption, or receive an Operating Permit which complies with the
12 following conditions:

13 (a) Those conditions set forth in Subsections 5.02(a), (c),
14 (d), (e) and (f).

15 (b) Within thirty (30) days of acquiring knowledge of any
16 spill of a Regulated Substance the Department shall
17 consider revocation of the permit or revision of it to
18 comply with some or all the other conditions set forth in
19 Subsections 5.02(a) through (j), in addition to those
20 required by Section 5.03(a) above. In consideration of
21 whether to revoke or revise the permit, the Department
22 may consider the intentional nature or the degree of
23 negligence, if any, associated with the spill, the extent
24 to which containment or cleanup is possible, the nature,
25 number and frequency of previous spills by the permittee
26 and the potential degree of harm to the groundwater and
27 surrounding wells due to such spill.

28 (c) Operating permits required by this section shall be
29 applied for and processed in accordance with
30 Section 5.02(k).
31

32 5.04 Zone Four (4): All nonresidential activities within

1 Zone Four (4) which store, handle, produce or use any Regulated
2 Substances are prohibited unless they qualify as a General
3 Exemption, or receive an Operating Permit which complies with the
4 following conditions:

5 (a) Those conditions set forth in Subsections 5.02(d) and
6 (f).

7 (b) Within thirty (30) days of acquiring knowledge of any
8 spill of a Regulated Substance the Department shall
9 consider revocation of the permit or revision of it to
10 comply with some or all the other conditions set forth in
11 Subsections 5.02(a) through (j), in addition to those
12 required by Section 5.04(a) above. In consideration of
13 whether to revoke or revise the permit, the Department
14 may consider the intentional nature or the degree of
15 negligence, if any, associated with the spill, the extent
16 to which containment or cleanup is possible, the nature,
17 number and frequency of previous spills by the permittee
18 and the potential degree of harm to the groundwater and
19 surrounding wells due to such spill.

20 (c) Operating permits required by this section shall be
21 applied for and processed in accordance with Section
22 5.02(k). However, a nonresidential activity in Zone Four
23 (4) is not required to retain an engineer or geologist to
24 prepare the operating permit, providing that Section
25 5.04(b) does not apply.

26
27 5.05 Other Requirements and Liabilities. A notice to cease,
28 a permit or exemption issued under this Ordinance shall not relieve
29 the owner or operator of the obligation to comply with any other
30 applicable federal, state, regional or local regulation, rule,
31 ordinance or requirement. Nor shall said notice, permit, or
32 exemption relieve any owner or operator of any liability for

1 violation of such regulations, rules, ordinances or requirements.

2
3 5.06 Requirements for Domestic Wastewater and Stormwater
4 Treatment.

5 (a) All new or replacement installations of sanitary sewer
6 mains in Zone One (1) or Zone Two (2) of a public
7 drinking water wellfield shall be constructed to force
8 main standards. Standards for installation are shown in
9 Exhibit F and shall be enforced by the Palm Beach County
10 Public Health Unit (PBCPHU) through the permit process.
11 For new wells placed in areas of existing sanitary
12 sewers, the sewers in Zones (one) 1 and (two) 2 must be
13 pressure tested at each joint, grouted and sealed with
14 proof of testing provided to the PBCPHU prior to release
15 of the well for service.

16 (b) No new exfiltration system shall be constructed in Zone
17 One (1) or Zone Two (2) of a public drinking water
18 wellfield.

19 (c) New retention or detention ponds located within
20 wellfield zones shall comply with the criteria
21 described in the South Florida Water Management
22 District (SFWMD) Management and Storage of Surface
23 Waters Permit Information Manual Volume IV. These
24 criteria are enforced through the SFWMD permitting
25 process.

26 (d) New percolation ponds for domestic wastewater
27 treatment located within wellfield zones shall
28 comply with the requirements for separation from
29 public drinking water wells set forth in chapters
30 17-555 and 17-610, Florida Administrative Code and
31 enforced by the Florida Department of Environmental
32 Regulation (FDER) and PBCPHU.

1 (e) Land application of domestic wastewater effluents or
2 sludges within wellfield zones shall comply with the
3 requirements for separation from public drinking
4 water wells forth in chapters 17-555, 17-610, and
5 17-640, Florida Administrative Code and enforced by
6 the FDER and PBCPHU.

7 (f) New onsite sewage disposal systems (septic tanks) located
8 within wellfield zones shall comply with the
9 requirements for maximum sewage loading and separation
10 from public drinking water wells set forth in
11 Environmental Control Rule I and enforced by the PBCPHU.

12
13
14 5.07 Spill Assessment and Remediation Required. Upon
15 discovery of a spill in zones One (1), Two (2), Three (3) or Four
16 (4), a determination shall be made as to jurisdiction. The
17 Department shall provide notification to the FDER and PBCPHU
18 including all available information pertinent to the spill. FDER
19 will be responsible for determination if the spill occurrence
20 constitutes a Resource Conservation and Recovery Act (RCRA)
21 regulated material as defined in FAC Rule 17-730 and Title 40 CFR
22 Part 261. If determination is made that the spill occurrence
23 involves a RCRA regulated material, FDER will assume the role as
24 lead regulatory agency in assessment and remediation. The
25 Department will assume the role as lead regulatory agency if
26 determination reveals a non-RCRA regulated substance.

27
28 Upon issuance of an order by the Department, corrective action
29 shall immediately be initiated by the responsible person. Failure
30 to initiate corrective action shall be a violation of this
31 Ordinance. Corrective action shall include any or all of the
32 following:

- 1 (a) Cessation of the discharge and initial control,
2 containment and recovery of free-flowing, floating or
3 standing pollutants;
4 (b) Removal and disposal of contaminated soils, sediments,
5 vegetation, containers, recovery materials, and any other
6 contaminated materials, in accordance with applicable
7 Federal, State and local regulations;
8 (c) Assessment of the horizontal and vertical extent of soil,
9 sediment, surface water and groundwater contamination, as
10 well as rate and direction of migration of the
11 contaminants; and
12 (d) Remediation of contaminated soils, sediments, surface
13 waters and groundwater to preclude further migration of
14 unacceptable levels of residual Regulated Substances into
15 or through the surface water or groundwater environment.
16

17 The Department shall determine necessary, reasonable measures and
18 time frames for corrective actions. The corrective actions shall
19 be completed to the satisfaction of the Department. Where State or
20 Federal regulations establish procedures or cleanup levels for
21 corrective actions for particular discharges, the corrective
22 actions shall at a minimum comply with those procedures and/or
23 cleanup levels. Completion of corrective actions as specified by
24 the Department shall not relieve the responsible person or persons
25 of liability under any other applicable Federal, State or local
26 regulation, rule, ordinance or requirement; nor shall it relieve
27 the responsible person or persons of liability for corrective
28 actions for conditions which were previously unknown to the
29 Department, or which resulted from implementation of corrective
30 actions as required.
31
32

1 Section 6. PERMITS.

2 6.01 Wellfield Protection Permits.

- 3 (a) This section provides the requirements and procedures for
4 the issuance by the Department of Operating and Closure
5 Permits required by this Ordinance.
- 6 (b) An application which satisfies the requirements of the
7 applicable Zone of Influence and Section 6.02 and, if
8 applicable, Section 10, shall be approved and a permit
9 issued. In addition to the failure to satisfy these
10 requirements, the Department may deny a permit based on
11 repeated violations of this Ordinance.
- 12 (c) An Operating Permit shall remain valid provided the
13 permittee is in compliance with the terms and conditions
14 of the permit.
- 15 (d) Permittees shall not be required to pay annual renewal
16 fees until October 1, 1990. Beginning October 1, 1990,
17 all current and future permittees are subject to an
18 annual renewal license fee as stated in Exhibit C.
19 Notification to the Department under Section 5.02 (i) is
20 due with the renewal fee.
- 21 (e) The Department shall have the right to make inspections
22 of facilities at reasonable times to determine compliance
23 with this Ordinance.
- 24 (f) All of the facilities owned and/or operated by one person
25 when these structures and activities are located on
26 contiguous parcels of property even where there are
27 intervening public or private roads, may be covered under
28 one permit.
- 29
30
31
32

1 6.02 Permit applications.

2 (a) Operating Permit. All applications, as a minimum, shall
3 provide the following information:

4 (1) A list of all Regulated Substances and substances on
5 the Generic Substance List which are to be stored,
6 handled, used or produced in the nonresidential
7 activity being permitted including their quantities.

8 (2) A detailed description of the nonresidential acti-
9 vities that involve the storage, handling, use or
10 production of the Regulated Substances indicating
11 the unit quantities in which the substances are
12 contained or manipulated, including layout plans or
13 drawings of the facility in which the activities
14 will take place.

15 (3) A description of the containment, the emergency
16 collection devices and containers and emergency plan
17 that will be employed to comply with the
18 restrictions required for Zones Two (2) and Three
19 (3) as set forth above. For Zone Four (4) this
20 particular documentation will only be required if a
21 permit revision is required pursuant to Subsection
22 5.04(b).

23 (4) A description of the daily monitoring activities
24 that have been or will be instituted to comply with
25 the restrictions for Zones Two (2), Three (3) and
26 Four (4) as set forth above in Section 5.02.

27 (5) A description of the maintenance that will be
28 provided for the containment facility, monitoring
29 system, and emergency equipment required to comply
30 with the restrictions of Zone Two (2) and Zone Three
31 (3) as set forth above. For Zone—Four (4) this
32 particular documentation will only be required for a

1 revised Operating Permit as required by Subsection
2 5.04(b).

3 (6) A description of the groundwater monitoring wells
4 that have been or will be installed, other pertinent
5 well construction information, and the arrangements
6 which have been made or which will be made for
7 certified analyses for specified Regulated
8 Substances. For Zones Three (3) and Four (4) this
9 particular documentation will only be required for a
10 revised Operating Permit as required by Subsections
11 5.03(b) and 5.04(b).

12 (7) Evidence of arrangements made with the appropriate
13 designated public utility for sampling analysis of
14 the raw water from the potable water well. For
15 Zones Three (3) and Four (4) this particular
16 documentation will only be required for a revised
17 Operating Permit as required by Subsections 5.03(b)
18 and 5.04(b).

19 (8) An agreement to indemnify and hold Palm Beach County
20 harmless from any and all claims, liabilities,
21 causes of action, or damages arising out of the
22 issuance of the permit. The County shall provide
23 reasonable notice to the permittee of any such
24 claims.

25 (9) The application for the Operating Permit shall be
26 filed with the Department within ninety (90) days of
27 receipt of written notification from the Department.

28
29 (b) Closure Permit. Closure permit applications shall
30 provide the following information:

31 (1) A schedule of events to complete the closure of an
32 activity that does or did store, handle, use, or

1 produce Regulated Substances. As a minimum, the
2 following actions shall be addressed:

- 3 a) Disposition of all Regulated Substances and
4 contaminated containers.
- 5 b) Cleanup of the activity and environs to preclude
6 leaching of unacceptable levels of residual
7 Regulated Substances into the aquifer.
- 8 c) Certification by a Professional Engineer or
9 Professional Geologist registered or licensed in
10 the State of Florida that disposal and cleanup
11 have been completed in a technically acceptable
12 manner. The requirement for certification by a
13 Professional Engineer or Geologist may be waived
14 if the applicant provides evidence to the
15 Department that all of the following items are
16 applicable:
 - 17 1) The entire operation is maintained inside
18 the building(s) of the facility.
 - 19 2) The standard method of removing operating
20 waste is not by septic tank, sewer mains, or
21 floor drains.
 - 22 3) There is no evidence of spills permeating
23 floors or environs.
 - 24 4) There are no outstanding or past notices of
25 violation from any regulatory agency
26 concerned with hazardous, industrial or
27 special waste.
 - 28 5) There is no evidence of past contamination
29 in the public drinking water well(s)
30 associated with the facility in zone 1.
 - 31 6) The applicant shall provide a
32 sworn statement that disposal and cleanup

special waste.

5) There is no evidence of past contamination in the public drinking water well(s) associated with the facility in zone 1.

6) The applicant shall provide a sworn statement that disposal and cleanup have been completed in a technically acceptable manner.

d) An appointment for an inspection by the Department.

e) An agreement to indemnify and hold Palm Beach County harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. The County shall provide reasonable notice to the permittee of any such claims.

(2) The issue of well reconfiguration shall be evaluated by the Department and the affected public utility as an alternative to a closure permit during the permit application process. Should a utility notify the Department in writing that it intends to reconfigure a wellfield and said configuration no longer subjects a facility to Zone One (1) or Zone Two (2) requirements, the Department may issue an Operating Permit providing conditions under which said facility may continue to operate.

(3) The Department of Environmental Regulation and the Palm Beach County Public Health Unit shall be advised in writing of each Closure Permit application.

(c) Permit conditions. The permit conditions shall ensure compliance with all the prohibitions, restrictions, and

1 requirements as set forth in this Ordinance. Such
2 conditions may include, but not be limited to, monitoring
3 wells, periodic groundwater analysis reports, and
4 compliance schedules. Said conditions may also include
5 requirements in a closure permit to reduce the risk in
6 the interim of contamination of the groundwaters, taking
7 into account cost, likely effectiveness and degree of
8 risk to the groundwater.

9 (d) Bond required.

10 (1) Except as provided in Section 6.02(d)(5), no
11 permit herein required shall be issued unless
12 there is filed at the time of application,
13 except in the case of an application by a
14 political subdivision or agency of the State, a
15 cash bond, permit bond with a corporate surety,
16 or letter of credit in the amount required by
17 Exhibit B, attached hereto and incorporated
18 herein, to insure that the permittee will
19 operate its nonresidential activities and/or
20 closure of such nonresidential activities, as
21 applicable, in accordance with the conditions
22 and requirements of this Ordinance and permits
23 issued hereunder.

24 (2) The permittee shall reimburse Palm Beach County in
25 accordance with Subsection 6.02(a)(8), (b)(1)e) and
26 (e) of this Ordinance for any and all expenses and
27 costs which Palm Beach County incurs as a result of
28 the permittee failing to comply with the conditions
29 and requirements of this Ordinance.

30 (3) Before a bond or letter of credit is accepted by the
31 Department as being in compliance with this section,
32 the bond or letter of credit shall be reviewed and

1 approved by the Palm Beach County Attorney's Office.
2 A corporate bond shall be executed by a corporation
3 authorized to do business in the State of Florida as
4 a Surety. A cash bond shall be deposited with the
5 Department, who shall give receipt therefore.

6 (4) The bond or letter of credit required by this
7 Section shall be kept in full force and effect for
8 the term of the permit and for one-year after
9 voluntary cessation of activities permitted
10 hereunder, expiration, or revocation of the permit.

11 (5) No bond or letter of credit is required for issuance
12 of a permit for the following:

13 (a) Pesticide applicators, as described in Section
14 12.06, unless the pest control facility is
15 located in Wellfield Zone One (1), Two (2), or
16 Three (3).

17 (b) Closure of a facility, provided that the
18 conditions listed in Section 6.02(b)(1)c) for
19 waiver of certification by an engineer or
20 geologist are applicable.

21 (c) A facility in Zone Four (4), unless the
22 Department has determined that revision of the
23 permit is appropriate under the conditions
24 described in Section 5.04(b).

25 (d) Retail/wholesale activities which meet the
26 conditions for this exemption set forth in
27 Section 12.07 of this Ordinance.

28 (e) Activities subject to regulation due to the
29 accumulation of waste Regulated Substances,
30 provided that they comply with the conditions
31 for this exemption set forth in Section 12.10 of
32 this Ordinance.

1 (e) Clean-Up and Reimbursement. Any person subject
2 to regulation under this Ordinance shall be
3 liable with respect to Regulated Substances
4 emanating on or from the person's property for
5 all costs of removal or remedial action
6 incurred by Palm Beach County and damages for
7 injury to, destruction of, or loss of natural
8 resources, including the reasonable cost of
9 assessing such injury, destruction or loss
10 resulting from the release or threatened
11 release of a Regulated Substances as defined in
12 this Ordinance. Such removal or remedial
13 action by Palm Beach County may include, but is
14 not limited to, the prevention of further
15 contamination of groundwater, monitoring,
16 containment, and clean-up or disposal of
17 Regulated Substances resulting from the
18 spilling, leaking, pumping, pouring, emitting
19 or dumping of any Regulated Substance or
20 material which creates an emergency hazardous
21 situation or is expected to create an emergency
22 hazardous situation.

23
24 6.03 Fee Schedule.

- 25 (a) Operating Permit fee. The fee for an Operating Permit
26 including any permit obtained pursuant to the general
27 exemptions set forth in Section 12 of this Ordinance,
28 shall be as shown in Exhibit C, attached hereto and
29 incorporated herein. The Operating Permit fee shall be
30 used to defray the cost of administering this Ordinance.
- 31 (b) Closure Permit fee. The fee for a Closure Permit under
32 this regulation shall be one-half of the fee for the

1 (b) Closure Permit fee. The fee for a Closure Permit under
2 this regulation shall be one-half of the fee for the
3 Operating Permit.

4 (c) Permit transfer fee. The fee for transfer of an
5 Operating Permit or Closure Permit shall be as described
6 in Exhibit C, attached hereto and incorporated herein to
7 defray the cost of processing the transfer. Application
8 for Transfer of Permit is to be made within sixty (60)
9 days of transfer of ownership of the activity.

10 (d) Late Fee. A late fee as described in Exhibit
11 C, attached here to and incorporated herein,
12 shall be paid to the Department if application
13 for a permit or renewal is late.

14
15 6.04 Revocation or Revision of Permit or General or Special
16 Exemption.

17 (a) Any permit issued under the provisions of this Ordinance
18 shall not become vested in the permittee. The Department
19 may revoke any permit issued by it by first issuing a
20 written notice of intent to revoke (certified mail return
21 receipt requested, or hand delivery) if it finds that the
22 permit holder:

23 (1) Has failed or refused to comply with any of the
24 provisions of this Ordinance, including but not
25 limited to permit conditions and bond requirements
26 of Section 6.02(d) herein; or

27 (2) Has submitted false or inaccurate information in
28 this application; or

29 (3) Has failed to submit operational reports or other
30 information required by this Ordinance; or

31 (4) Has refused lawful inspection under Section 6.01(e);
32 or

1 (5) Is subject to revocation under Section 5.02(i),
2 5.03(b) or 5.04(b).

3 (b) The Department may revise any permit pursuant to Section
4 5.02(i), 5.03(b) or 5.04(b) by first issuing a written
5 notice of intent to revise (certified mail return receipt
6 requested, or hand delivery.)

7 (c) In addition to the provisions of Section 6.04,
8 Subsections (a) and (b), within thirty (30) days of
9 acquiring knowledge of any spill of a Regulated Substance
10 in Zones One (1), Two (2), Three (3) or Four (4) the
11 Department shall consider revocation or revision of the
12 permit. Upon such consideration the Department may issue
13 a notice of intent to revoke or revise which shall be
14 subject to the provisions of Section 8, or elect not to
15 issue such notice. In consideration of whether to revoke
16 or revise the permit, the Department may consider the
17 intentional nature or degree of negligence, if any,
18 associated with this spill, and the extent to which
19 containment or cleanup is possible, the nature, number
20 and frequency of previous spills by the permittee and the
21 potential degree of harm to the groundwater and
22 surrounding wells due to such spill.

23 (d) For any revocation or revision by the Department of a
24 Special Exemption or General Exemption that requires an
25 Operating Permit as provided under the terms of this
26 Ordinance, the Department shall issue a notice of intent
27 to revoke or revise which shall contain the intent to
28 revoke or revise both the applicable exemption and the
29 accompanying Operating Permit.

30 (e) The written notice of intent to revoke or revise shall
31 contain the following information:

32 (1) The name and address of the permittee, if any, and

1 property owner, if different.

2 (2) A description of the facility which is the subject
3 of the proposed revocation or revision.

4 (3) Location of the spill, if any.

5 (4) Concise explanation and specific reasons for the
6 proposed revocation or revision.

7 (5) A statement that "Failure to file a petition with
8 the Clerk of the Board within twenty (20) days after
9 the date upon which permittee receives written
10 notice of the intent to revoke or revise shall
11 render the proposed revocation or revision final and
12 in full force and effect".

13 (f) Failure of permittee to file a petition under Section
14 8.01 shall render the proposed revocation or revision
15 final and in full force and effect.

16 (g) Nothing in this section shall preclude or be deemed a
17 condition precedent to the Department seeking a temporary
18 or permanent injunction.

19
20 Section 7. PROTECTION OF FUTURE WELLFIELDS.

21 7.01 Public Hearing. The prohibitions and restrictions set
22 forth in this Ordinance and in regulations promulgated pursuant
23 hereto shall apply to any sites officially designated by the Board
24 of County Commissioners as future wellfields. Such prohibitions
25 and restrictions shall become effective upon approval by the Board
26 of County Commissioners of the Zones of Influence maps for the
27 designated future wellfield. Prior to final action by the Board of
28 County Commissioners in designating a future wellfield or approving
29 the Zones of Influence maps for those wellfields, all property
30 owners and discernable operating activities within the area
31 affected shall receive written notice at least thirty (30) days
32 prior to the proposed public hearing at which the action shall be

1 considered.

2
3 7.02 Reference Raw Water Analyses to be completed for each
4 well. A reference set of raw water analyses shall be completed for
5 each well for which a Zone of Influence map has been established.
6 Said analyses shall be completed within one hundred eighty-five
7 (185) days after the effective date of this Ordinance, for existing
8 wells. A copy of the analytical report shall be forwarded to the
9 Department and PBCPHU within (14) days of completion. For any new
10 well, this set of analyses shall be completed prior to the release
11 of the well into service by the PBCPHU and Department. Said
12 analyses shall address inorganic priority pollutants as listed in
13 Exhibit E and organic pollutants as listed in Chapter 17-550,
14 F.A.C. and as shown in Exhibit E. The cost shall be borne by the
15 utility. The analytical reports shall be prepared by the State of
16 Florida certified laboratory, certified for the applicable
17 analyses. Samples shall be taken by the State certified laboratory
18 performing the analyses, or its authorized representative.

19
20 Section 8. DETERMINATION OF LOCATION WITHIN ZONES.

21 In determining the location of properties and facilities within the
22 zones depicted on the Zones of Influence maps, the following rules
23 shall apply:

24 (a) Properties located wholly within one (1) Zone reflected
25 on the applicable Zones of Influence maps shall be
26 governed by the restrictions applicable to that Zone.

27 (b) To the extent Section 10.01 (c) does not apply,
28 properties having parts lying within more than one (1)
29 Zone as reflected on the applicable Zones of Influence
30 maps shall be governed by the restrictions applicable to
31 the zone in which the part of the property is located.

32 (c) Where a travel time contour which delineates the boundary

1 between two (2) Zones of Influence passes through a
2 facility, the entire facility shall be considered to be
3 in the more restrictive zone.

- 4 (d) Where the facility, or portion thereof, is overlapped by
5 Zones of Influence of different wells or wellfields, the
6 stricter zones shall apply.

7
8 Section 9. APPLICATIONS TO NEW ACTIVITIES AND RESTRICTIONS
9 ON ISSUANCE OF BUILDING PERMITS AND OCCUPATIONAL LICENSES.

- 10 (a) No building permit or occupational license for any
11 nonresidential activity shall be issued by the County or
12 any city located within Palm Beach County that would
13 allow development or construction in Zones One (1), Two
14 (2), Three (3), or Four (4), that is contrary to the
15 restrictions and provisions provided in this Ordinance.
16 Permits or occupational licenses issued in violation of
17 this Section confirm no right or privilege on the grantee
18 and such invalid permit or licenses will not vest rights.

- 19 (b) The requirements and provisions of this Ordinance shall
20 apply immediately upon the effective date of this
21 Ordinance to all new nonresidential activities. An
22 existing activity is one for which a building permit or
23 occupational license had been issued by the appropriate
24 jurisdiction prior to the effective date of this
25 Ordinance and which had not expired on or before the
26 effective date of this Ordinance, or for which a
27 completed building permit or occupational license
28 application had been filed and accepted with the
29 appropriate jurisdiction prior to the effective date of
30 this Ordinance. All other activities shall be deemed
31 "new".

- 32 (c) Any application for a building permit for a

1 nonresidential development or residential development
2 greater than twenty-five (25) units or for a
3 nonresidential development subject to review by an
4 advisory planning body and approval by the local
5 governing authority or zoning board of appeals that
6 includes property wholly or partially within Zone One
7 (1), Two (2), Three (3), or Four (4), of a wellfield
8 shall include requirements of the Department. These
9 requirements shall be as follows:

10 (1) Notification by the local governing authority of the
11 location of the property in Zone One (1), Two (2),
12 Three (3), or Four (4) and notarized letter from
13 applicant admitting acceptance of notification.
14 Notification shall be prepared by the Department
15 providing details of Zones, prohibitions, and
16 measures required for compliance; or

17 (2) Submittal of application to the Department for
18 notification.

19 (d) Any application submitted for an occupational license for
20 any use within Zone One (1), Two (2), Three (3), or Four
21 (4) of an incorporated or unincorporated area shall
22 require certification by the Department that the use
23 meets the applicable requirements of this Ordinance.

24 (e) It shall be the duty of each local agency to screen all
25 applications for Zone One (1), Two (2), Three (3), or
26 Four (4) occupational licenses.

27 (f) The Department shall provide a list to all local agencies
28 of potentially prohibited operations in Zone One (1).

29 (g) Copies of Building Permits of residential activities
30 larger than twenty-five (25) units, all nonresidential
31 projects, and all occupational licenses issued for Zone
32 One (1), Two (2), Three (3), or Four (4) shall be

1 submitted to the Department on a weekly basis, or upon
2 issuance by the appropriate issuing authority.

3
4 Section 10. GENERAL EXEMPTIONS.

5 10.01 Activities Claiming a General Exemption.

6 (a) A General Exemption application and Operating
7 Permit pursuant to the provisions of Section 5.02 shall
8 be required for any nonresidential activity claiming a
9 General Exemption under Sections 10.02, 10.03 or 10.07
10 and shall be filed with the Department. No new
11 nonresidential facilities shall be permitted into Zone
12 One (1) after the effective date of this Ordinance if the
13 new non-residential facility stores, handles, produces or
14 uses any Regulated Substance.

15 (b) Such application shall contain a concise statement by the
16 applicant detailing the circumstances upon which the
17 applicant believes would entitle him or her to an
18 exemption pursuant to Section 12.01(a) above.

19 (c) A fee as shown in Exhibit C, attached hereto and
20 incorporated herein, shall be filed with the application
21 in addition to the appropriate permit fees to defray the
22 costs of processing such application.

23 (d) Within thirty (30) working days of receipt of an
24 application for General Exemption, the Department shall
25 inform the applicant whether such application contains
26 sufficient information for a proper determination to be
27 made. If the application is found to be insufficient,
28 then the Department shall provide to the applicant a
29 written statement by certified mail or hand delivery
30 requesting the additional information required. The
31 applicant shall inform the Department within ten (10)
32 working days of the date of the written statement of his

1 or her intent to either furnish the information or have
2 the application processed as it stands. The Department
3 shall have ninety (90) working days from either the
4 rendering of a sufficiency determination or receipt of
5 additional information making an application sufficient
6 to make a decision.

7
8 10.02 Exemptions for Fire, Police, Emergency Medical
9 Services and County Emergency Management Center Facilities.

10 Existing fire, police, emergency medical services and County
11 emergency management center facilities are exempt from Zone 1
12 prohibitions as set forth in Section 5.01. However, an Operating
13 Permit shall be obtained pursuant to Section 5.01.

14
15 10.03 Exemptions for Utilities in Zones One (1). Existing
16 utilities as of the effective date of this Ordinance shall be
17 exempt, except for the maintenance and refueling of vehicles, from
18 Zone One (1) Closure prohibitions as set forth in Section 5.01.
19 However, an Operating Permit shall be obtained pursuant to Section
20 5.01.

21
22 10.04 Exemption for Continuous Transit. The transportation
23 of any Regulated Substance through Zones One (1), Two (2), Three
24 (3) or Four (4) shall be exempt from the provisions of this
25 Ordinance provided the transporting motor vehicle is in continuous
26 transit. The transport of such substances through existing
27 permanent pipelines is also exempt provided that the currently
28 authorized use or uses are not changed and provided that leak
29 detection and monitoring as approved by the Department are
30 employed. No General Exemption or Operating Permit application is
31 required except that an Operating Permit is required to establish
32 the leak detection and monitoring requirements for said existing

1 pipelines. Any new pipeline constructed through Zones One (1), Two
2 (2) or Three (3) and carrying regulated substances shall be
3 provided with secondary containment, leak detection and monitoring
4 as required by the Department.

5
6 10.05 Exemption for Vehicular and Lawn Maintenance Fuel and
7 Lubricant Use. The use in a vehicle or lawn maintenance equipment
8 of any Regulated Substance solely as fuel in that vehicle or
9 equipment fuel tank or as lubricant in that vehicle or equipment
10 shall be exempt from the provisions of this Ordinance. No General
11 Exemption or Operating Permit application are required.

12
13 10.06 Exemption for Application of Pesticides, Herbicides,
14 Fungicides, and Rodenticides. The application of those Regulated
15 Substances used as pesticides, herbicides, fungicides, and
16 rodenticides in recreation, agriculture, pest control and aquatic
17 weed control activities shall be exempt from the provisions of this
18 Ordinance provided that:

- 19 (a) In all Zones, the application is in strict conformity
20 with the use requirement as set forth in the substances
21 EPA registries and as indicated on the containers in
22 which the substances are sold; and
23 (b) In all Zones, the application is in strict conformity
24 with the requirements as set forth in Chapter 482 and
25 487, Florida Statutes, and Chapters 5E-2 and 5E-9,
26 Florida Administrative Code.
27 (c) In all Zones, the application of any of the pesticides,
28 herbicides, fungicides, and rodenticides shall be noted
29 in the records of the certified operator. Records shall
30 be kept of the date and amount of these substances
31 applied at each location and said records shall be
32 available for inspection at reasonable times by the

Department.

(d) In Zones One (1), Two (2), Three (3), or Four (4), the pesticides, herbicides, fungicides, and rodenticides shall not be handled during application in a quantity exceeding seven hundred (700) gallons of formulation.

(e) All nonresidential applicators of pesticides, herbicides, fungicides, and rodenticides who apply those substances in Zones One (1), Two (2), Three (3), or Four (4) shall obtain an Operating Permit covering all application operations using these materials under one permit and shall comply with all the requirements of Section 5.02(c-f).

This exemption applies only to the application of pesticides, herbicides, fungicides, and rodenticides.

10.07 Exemption for Retail/Wholesale Sales Activities.

Existing retail/wholesale sales establishments in Zone One (1) that store and handle Regulated Substances for resale in their original unopened containers shall be exempt from the prohibition in Zone One (1) provided that those establishments obtain an Operating Permit pursuant to the provisions of Section 5.02. Items in Section 5.02 (g) and (h), certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, and a bond or letter of credit as set forth in section 6.02(d) are not required for facilities in Zones One (1), Two (2) or Three (3), provided no individual container of Regulated Substances exceeds five (5) gallons, if liquid, or twenty-five (25) pounds, if solid.

10.08 Exemptions for Office Uses. Offices uses, except for the use of Regulated Substances for the maintenance and cleaning of office buildings, shall be exempt from the provisions of this

1 Ordinance. No General Exemption or Operating Permit applications
2 are required.

3
4 10.09 Exemption for Construction Activities. The activities
5 of constructing, repairing or maintaining any facility or
6 improvement on lands within Zones One (1), Two (2), Three (3), or
7 Four (4) shall be exempt from the provisions of this Ordinance
8 provided that all contractors, subcontractors, laborers,
9 materialmen and their employees when using, handling, storing or
10 producing Regulated Substances in Zones One (1), Two (2), Three
11 (3), or Four (4) use those applicable Best Management Practices set
12 forth in Exhibit D, attached hereto and incorporated herein. No
13 General Exemption or Operating Permit applications are required.
14

15 10.10 Exemption for Activities Subject to Regulation Due to
16 Accumulation of Waste Regulated Substances. Activities in Zone Two
17 (2) or Zone Three (3) which are subject to permitting requirements
18 of this Ordinance due to their accumulation of waste Regulated
19 Substances shall obtain an Operating Permit pursuant to the
20 provisions in Section 5.02 or 5.03 of this Ordinance. Items in
21 Section 5.02(g) and (h), and a bond or letter of credit as set
22 forth in Section 6.02(d) are not required, provided that all waste
23 liquid Regulated Substances are secondarily contained according to
24 the conditions described in section 5.02 (a) of this ordinance, and
25 are removed from the site on a regular schedule by a contracted
26 hauler licensed by EPA or the State of Florida to handle the waste
27 Regulated Substances. The accumulated waste Regulated Substances
28 shall at no time exceed fifty-five (55) gallons if liquid or two
29 hundred and twenty pounds (220) pounds if solid, and the
30 accumulation time shall not exceed ninety (90) days. Records of
31 removal and disposal of all waste Regulated Substances through the
32 licensed hauler shall be maintained and made available for

1 Department inspection at reasonable times. In addition, all other
2 Regulated Substances shall not exceed the threshold quantities
3 listed in Section 3.01(z). Failure to comply with any of these
4 requirements shall subject the facility to the full permitting
5 provisions for the applicable zone.
6

7 Section 11. SPECIAL EXEMPTIONS.

8 11.01 An affected person in Zone One (1) or Zone Two (2) may
9 petition the Environmental Ordinance Appeals Board for a Special
10 Exemption from the prohibitions and monitoring requirements set out
11 in Sections 5.01 and 5.02 in accordance with Section 17 of this
12 ordinance,
13

14 11.02 In order to obtain such an exemption such person must
15 demonstrate by a preponderance of competent, substantial evidence
16 that: Special or unusual circumstances and adequate technology
17 exists to isolate the facility or activity from the potable water
18 supply. In granting the Special Exemption, the Environmental
19 Ordinance Appeals Board may prescribe any additional appropriate
20 conditions and safeguards which are necessary to protect the
21 wellfield.
22

23 11.03 Activities claiming Special Exemption with adequate
24 technology to isolate the facility or activity from the potable
25 water supply and protect the wellfield.

26 (a) A Special Exemption application claiming special or
27 unusual circumstances and adequate protection technology
28 shall be filed with the Department, who shall then
29 promptly notify the County Attorney's office that such an
30 application has been filed. The application shall be
31 signed by the applicant and Professional Engineer or
32 Professional Geologist registered or licensed in the

1 State of Florida.

2 (b) Such application shall contain a concise statement by the
3 applicant detailing the circumstances which the applicant
4 feels would entitle him or her to an exemption pursuant
5 to Section 13.01(a) above.

6 (c) A fee as shown in Exhibit C, attached hereto and
7 incorporated herein, shall be filed with the application,
8 in addition to the appropriate permit fees, to defray the
9 costs of processing such application.

10 (d) The application for Special Exemption shall contain but
11 not be limited to the following elements:

12 (1) A description of the situation at the site requiring
13 isolation from the wellfield, including:

14 a) A list of the Regulated Substances in use at the
15 site;

16 b) A site plan of the facility including all
17 storage, piping, dispensing, shipping, etc.,
18 facilities;

19 c) What operations at the facility involve
20 Regulated Substances which must be isolated from
21 the wellfields;

22 d) The location of all operations involving
23 Regulated Substances.

24 e) A sampling and analysis of the groundwater on
25 the site of the activity seeking a Special
26 Exemption shall be performed to determine if any
27 Regulated Substances are already present which
28 constitute a threat to the water supply.

29 f) An analysis of the affected well showing whether
30 or not such well is already contaminated by any
31 Regulated Substances and the extent of such
32 contamination.

1 g) A hydrogeologic assessment of the site which
2 shall address, as a minimum, soil
3 characteristics and ground water levels,
4 directional flow, and quality.

5 (2) A technical proposal to achieve the required
6 isolation including:

7 a) Components to be used and their individual
8 functions;

9 b) System tying the components together;

10 c) A discussion and documentation, such as
11 published technical articles, substantiating the
12 performance and reliability of the components
13 individually and the system as a whole. If the
14 system has not been field tested, a discussion
15 and laboratory test documentation to
16 substantiate the proposed performance and
17 reliability of the system;

18 d) Details of the specific plans to install the
19 system at the site.

20 (3) Testing procedures. If the proposed system does not
21 have a proven history of successful in-field
22 operation, it may still be proposed using proven
23 components. A test plan for the system as installed
24 shall be provided to prove that the proposed system
25 works in the field.

26 (4) A technical proposal for backup detection of
27 Regulated Substances that may elude the isolation
28 system and escape to outside a perimeter to be
29 established by Department. Such proposal shall
30 include emergency measures to be initiated in case
31 of escape of Regulated Substances.

32 (5) Criteria for success. Site-specific, system

1 performance criteria shall be proposed to ascertain
2 the success of the system. Such criteria shall
3 include but shall not be limited to:

- 4 a) Performance;
- 5 b) Reliability;
- 6 c) Level of maintenance;
- 7 d) Level of Sensitivity to Regulated Substances;
- 8 e) Effect of rain, flood, power failure or other
9 natural disaster.

10 (6) Precautions in event of failure. Applicant shall
11 provide information on the on-site availability of
12 substance removal technologies sufficient to
13 remediate any introduction of Regulated Substances
14 into the water table at the site. Where water is
15 removed from on-site wells during the remedial
16 process a plan shall be proposed for the disposal of
17 such water.

18 (7) A closure plan shall be provided in the event the
19 system does not prove successful in the testing
20 required by Section 13.02(d)(3) above.

21 (8) Any other reasonable information deemed necessary by
22 Department due to site-specific circumstances.

23 (e) Within thirty (30) working days of receipt of an
24 application for Special Exemption, the Department shall
25 inform the applicant whether such application contains
26 sufficient information for a proper determination to be
27 made. If the application is found to be insufficient,
28 then the Department shall provide to the applicant a
29 written statement by certified mail or hand delivery
30 requesting the additional information required. The
31 applicant shall inform the Department within ten (10)
32 working days of the date of the written statement of his

1 or her intent to either furnish the information or have
2 the application denied. When the application contains
3 sufficient information for a proper determination to be
4 made, the Department shall notify the County Attorney's
5 office that all documentation necessary to evaluate the
6 special exemption has been received, and shall promptly
7 transmit all such documentation to the County Attorney's
8 office.

9
10 11.04 Granting of Special Exemptions.

11 (a) Any Special Exemption granted by the Environmental
12 Ordinance Appeals Board shall be subject to the
13 applicable conditions of Sections 5.01 and 5.02 of the
14 Ordinance and any other reasonable and necessary special
15 conditions imposed by the Environmental Ordinance Appeals
16 Board.

17 An Operating Permit shall be issued by the Department
18 with the applicable conditions of Sections 5.01 and 5.02
19 and any other reasonable and necessary special conditions
20 imposed by the Groundwater and Natural Resources
21 Protection Board. Such Special Exemptions shall be
22 subject to revocation or revision by the Department for
23 violation of any condition of said Special Exemption by
24 first issuing a written notice of intent to revoke or
25 revise (certified mail return receipt requested or hand
26 delivery). Upon revocation or revision, the activity
27 will immediately be subject to the enforcement provisions
28 of the Ordinance.

29 (b) Special Exemptions for Zone One (1) are for existing
30 nonresidential activities only. No new nonresidential
31 activity shall be permitted into Zone 1 after the
32 effective date of this Ordinance if the new

1 nonresidential activity stores, handles, produces or uses
2 any Regulated Substance.

3
4 Section 12. PETITION FOR COMPENSATION.

5 (a) Parties affected by the requirements of this Ordinance
6 may petition the Board of County Commissioners for a
7 determination as to the effect of said Ordinance on those
8 activities and the issue of compensation.

9 (b) Such petition shall be filed with the Department.

10 (c) Such petition shall contain, as applicable, the
11 following:

12 (1) A copy of the closure permit required by Section
13 5.01 of this Ordinance or the required operations
14 permit showing the change in operation.

15 (2) An analysis of the need to cease, move, or change
16 operations including a summary of alternatives
17 investigated and estimated costs of those
18 alternatives.

19 (3) A list of all previously-issued notices of violation
20 by the Department, Department of Environmental
21 Regulation or the Environmental Protection Agency
22 regarding use of Regulated Substances including a
23 description of any corrective action taken or
24 pending.

25 (4) Detailed specification of the amount for which
26 compensation is being requested.

27 (5) The Department shall review all petitions for
28 compensation and make recommendations to the Board
29 of County Commissioners regarding the reasonableness
30 of any amounts requested by the petitioner, whether
31 the requested compensation consists of amounts
32 greater than the cost of any reasonable

1 facility/operation modifications and whether the
2 facility may potentially qualify for an exemption
3 under Section 13.02. Based upon such
4 recommendations, the Board of County Commissioners
5 may deny such petition.

6 (d) As soon as practicable after submission of a petition for
7 compensation, but no later than ninety (90) days, by an
8 owner or operator of an activity, the Board of County
9 Commissioners shall hold a hearing to determine the
10 eligibility of the activity for compensation pursuant to
11 this Section. Petitioner shall be given written notice
12 by certified mail or hand delivery of such hearing at
13 least thirty (30) days prior to the hearing. Formal
14 Rules of Evidence shall not apply to such hearing, but
15 fundamental due process shall be observed and shall
16 govern the proceedings. Petitioner and the County shall
17 have the right to:

- 18 (1) Call and examine witnesses;
19 (2) Introduce exhibits;
20 (3) Cross-examine witnesses on any relevant matter;
21 (4) Rebut the evidence; and
22 (5) Be represented by Counsel.

23 (e) Criteria for determination of eligibility for cessation
24 or moving of operations. In determining whether
25 petitioner is eligible for compensation, the Board of
26 County Commissioners shall consider:

- 27 (1) Whether a reasonable, cost effective alternative to
28 cessation or moving of operations exists for
29 complying with this Ordinance, including
30 reconfiguring of the wellfield. Applicant, with the
31 cooperation of the Department and the affected
32 public utility, shall address the issue of

1 reconfiguration;

2 (2) Whether the requirements of this Ordinance were the
3 sole reason for cessation of the operation;

4 (3) Past environmental record;

5 (4) Efforts to mitigate financial impact of this
6 Ordinance and these corresponding regulations.

7 (f) Criteria for determination of eligibility for
8 compensation for change in operations. In deciding
9 whether petitioner is eligible for compensation for a
10 change in operations, the Board of County Commissioners
11 shall consider:

12 (1) Whether the proposed change is a reasonable, cost
13 effective method for complying with this Ordinance
14 and

15 (2) Whether the requirements of this Ordinance were the
16 sole reason for the change in the operation.

17 (g) Classes of impact for which compensation may be granted.

18 (1) Actual Reasonable Relocation Expenses

19 a) The owner or operator of an affected activity
20 may be paid the actual reasonable cost of a
21 relocation within Palm Beach County. Such
22 amount to include the cost of:

23 1) dismantling operation;

24 2) actual moving;

25 3) reassembling equipment;

26 4) installation of equipment;

27 5) internal connection of utilities to
28 equipment;

29 6) minor modification of site to accommodate
30 operation, specifically excluding structural
31 changes to the building or paving and
32 drainage requirements at the site;

- 1 7) the additional costs which would have to be
2 incurred to move the activity due to changed
3 circumstances or applicable laws,
4 ordinances, or regulations;
- 5 8) any losses caused by the necessity of
6 terminating a lease, such compensation not
7 to exceed three (3) months' rent. Landlord
8 and tenant are required to make a bona fide
9 effort to mitigate this loss. This
10 compensation shall be paid to either the
11 landlord or the tenant, to be decided by
12 agreement between the landlord and tenant.
- 13 b) The costs in a)1-7) above shall be supported by
14 two (2) itemized and sealed bids and a detailed
15 listing of the items. The amount to be paid
16 shall not exceed the lower of the two (2) bids.
17 In order to verify such information, the
18 Department shall have the right to enter the
19 activity's premises at reasonable times. Such
20 bids and detailed listing of the cost shall be
21 verified by the Department.
- 22 c) Self-Moves. In the case of a self-move the
23 owner of a relocated activity may be paid the
24 lower of two (2) sealed and itemized bids from
25 licensed moving companies based on a detailed
26 listing of the cost.
- 27 (2) Actual Reasonable Modification of Operation Expenses.
28 The owner or operator of an affected activity may be
29 paid the actual reasonable expense to modify the
30 operation of the activity in order to comply with
31 this Ordinance. Such amount to include cost of:
32 a) modification of machinery;

- 1 b) dismantling and moving unusable machinery;
2 c) unsalvageable inventory per Section 14(g)(3)
3 below;
4 d) moving equipment out of a Zone One (1) on the
5 activity's property per Section 14(g)(1) above.
- 6 (3) Actual Direct Losses of Tangible Personal Property.
7 Actual direct losses of tangible personal property
8 are allowed when a person closes or relocates an
9 activity. Payment may only be made after a diligent
10 effort is made by the owner to sell the item(s)
11 involved.
- 12 a) If the activity is to be re-established and an
13 item of property to be used therewith is not
14 moved but promptly replaced with a comparable
15 item at the new site, reimbursement shall be
16 either:
- 17 1) Replacement cost, taking into account
18 depreciation, less the proceeds of the sale.
19 Present value based on accepted standards in
20 the related business community may be
21 substituted for net proceeds of a sale where
22 applicable, or
- 23 2) Estimated cost of moving the item to the
24 replacement site within the geographic
25 boundaries of Palm Beach County.
- 26 b) If a process at the activity is being
27 discontinued or an existing item is not to be
28 replaced in a re-established business, payment
29 will be either:
- 30 1) The difference between fair market value as
31 evidenced by two (2) written appraisals of
32 the item for continued use at its prior

1 location less its net proceeds at the sale,
2 or

3 2) The estimated cost of moving the item to the
4 replacement site within the geographic
5 boundaries of Palm Beach County.

6 c) If a sale is not effected because no offer is
7 received and the item is abandoned, payment for
8 the loss may be its fair market value for
9 continued use at its existing location plus the
10 costs of the attempted sale, less the
11 equipment's salvage value.

12 (4) In Lieu of Actual Moving Expenses. In lieu of the
13 payments described in Section 14(g)(1-3) an owner of a
14 discontinued activity may be eligible to receive a
15 payment equal to seventy-five percent (75%) of the
16 estimated reasonable cost of moving the activity within
17 Palm Beach County, except that such payment shall not be
18 more than the lower of two (2) sealed and itemized bids,
19 provided the following requirements are met:

20 a) For the owner of an affected activity to be entitled
21 to this payment, the County or its designee must
22 determine that the business cannot be relocated
23 without a substantial loss of its existing
24 patronage. Such determination shall be made by the
25 County or its designee only after consideration of
26 all pertinent circumstances, including but not
27 limited to the following factors:

28 1) The type of business conducted by the displaced
29 activity.

30 2) The nature of the clientele of the displaced
31 activity.

32 3) The relative importance of the present location

1 to the displaced activity.

2 4) The additional costs which would have to be
3 incurred to move the activity due to changed
4 circumstances or applicable laws, ordinances, or
5 regulations.

6 b) Owner or Operator Must Provide Information. For the
7 owner or operator of an affected activity to be
8 entitled to his or her payment, information must be
9 provided to support the estimated moving costs.
10 Such proof shall consist of two (2) sealed bids from
11 licensed moving companies based on a detailed
12 inventory of the items which would be moved.

13 (5) Exclusions on Moving Expenses and Losses. The following
14 expenses are considered ineligible for payment as
15 "actual" moving expenses:

16 a) Additional expenses incurred because of moving to
17 and living in a new location including search cost
18 for finding a new dwelling.

19 b) Cost of moving structures, improvements or other
20 real property in which the displaced activity
21 reserved ownership.

22 c) Significant changes in building structure but not
23 including minor electrical, plumbing or carpentry
24 work.

25 d) Cost of improvement to activity made after such
26 activity was on notice that it is affected by this
27 Ordinance and would have to cease or alter an
28 operation in Zone One.

29 e) Interest on loans to cover moving expenses.

30 f) Loss of goodwill.

31 g) Loss of business or profits or both,

32 h) Loss of trained employees,

- 1 i) Cost of preparing the petition for compensation.
- 2 (6) Palm Beach County shall disperse eighty-five percent
- 3 (85%) of the compensation to be paid as determined by the
- 4 Board of County Commissioners in advance of any move or
- 5 change of operation. Palm Beach County shall retain
- 6 fifteen percent (15%) of the monies authorized as
- 7 compensation for economic impact of this Ordinance until
- 8 such time as the affected activity has carried out the
- 9 procedures outlined in its petition for compensation and
- 10 provides evidence of such expenditures.
- 11 (7) Upon receipt of payment of compensation as provided in
- 12 this Ordinance, the recipient shall execute a release in
- 13 favor of Palm Beach County from any further obligation to
- 14 the recipient with regard to the economic impact of this
- 15 Ordinance on the recipient or activity.
- 16

17 Section 13. TRANSFER.

18 In the event, there is a change of ownership, a new lease, or an

19 assignment of a lease, a sublease or any other change in regard to

20 the person conducting the operation regulated, the Department shall

21 be notified and upon payment of the appropriate fee and completion

22 of processing of an application by the Department, the Wellfield

23 Protection Operating Permit shall be transferred.

24

25 Section 14. TRADE SECRETS.

26 The Department shall not disclose any trade secrets of the

27 applicant or permittee that are exempted from such disclosure by

28 Federal or State law; provided, however, the burden shall be on the

29 applicant or permittee to demonstrate entitlement to such

30 nondisclosure. Decisions by the Department as to such entitlement

31 shall be subject to challenge by the applicant or permittee by

32 filing a petition with the Environmental Ordinance Appeals Board

1 Section 15. VIOLATIONS, ENFORCEMENT, PENALTIES.

2 Failure to comply with the requirements of this Ordinance or any
3 permit, exemption, or approval granted or authorized hereunder
4 shall constitute a violation of this Ordinance. Violations of the
5 provisions of this Ordinance shall upon conviction, be punished by
6 a fine not to exceed two hundred fifty dollars (\$250.00) per day
7 for a first violation, and five hundred dollars (\$500.00) per day
8 for a repeat violation. In addition to the sanctions contained
9 herein, the County may take any other appropriate legal action,
10 including but not limited to, administrative action and requests
11 for temporary and permanent injunctions, to enforce the provisions
12 of this Ordinance. It is the purpose of this Ordinance to provide
13 additional cumulative remedies.
14
15
16
17
18
19
20
21

22 Section 16. GROUNDWATER AND NATURAL RESOURCES PROTECTION
23 BOARD.
24

25 The Groundwater and Natural Resources Protection Board shall
26 hear alleged violations of this Ordinance if there has been a
27 failure to correct a violation or if the same violation has been
28 repeated.
29
30
31
32
33
34

35 Section 17. ENVIRONMENTAL ORDINANCE APPEALS BOARD.

36 17.01 Matters for review and time for filing.

37 Any person may appeal to the Environmental Ordinance Appeals Board
38 for the following reasons:
39
40
41
42

- 43 (a) To appeal the Department's permit conditions, denial of
44 a permit, General Exemption or non-disclosure of a trade
45 secret.
46
47 (b) To appeal an intent to revoke or revise an Operating
48 permit and a General Exemption, or;
49
50 (c) To request a Special Exemption.
51
52
53
54
55

56 17.02 Time for filing. Written petitions for review shall
57 be filed with the County Attorney's Office within twenty (20) days
58
59

1 of the date upon which the petitioner receives notice of the
2 department's actions with respect to section 17.01(a), or
3 intended action with respect to 17.01(b). Failure to file
4 within such time shall constitute a waiver of the person's
5 right of review by the Environmental Ordinance Appeals Board.
6
7 The filing of a petition authorized by this section shall stay
8 all proceedings withn respect to all matters which are
9 contained in the petition until there is a final
10 decision of the Environmental Ordinance Appeals Board.
11
12
13
14
15
16
17
18
19
20

21 17.03 Review. The decision of the Environmental Ordinance
22 Appeals Board, shall be final administrative action on behalf of
23 the Department and the County. Any person who is a party to the
24 proceeding before the Environmental Ordinance Appeals Board may
25 appeal such final action by filing a petition for writ of
26 certiorari in the Fifteenth Judicial Circuit, in and for Palm Beach
27 County, Florida.
28
29
30
31
32
33
34
35

36 Section 18. PALM BEACH COUNTY POLLUTION RECOVERY TRUST FUND
37 Funds collected pursuant to administrative penalties levied by the
38 Groundwater and Natural Resources Protection Board for violations
39 of this Ordinance shall be deposited in the Palm Beach County
40 Pollution Recovery Trust Fund.
41
42
43
44
45
46

47 Section 19. REPEAL OF LAWS IN CONFLICT.
48 All local laws and ordinances applying to the unincorporated and
49 incorporated areas of Palm Beach County in conflict with any
50 provisions of this Ordinance are hereby repealed to the extent of
51 any conflict. In addition, this Ordinance repeals and supersedes
52 Palm Beach County Ordinance numbers 88-7, 88-12 and 88-39. All
53 actions taken pursuant to the provisions of these Ordinances shall
54 continue to be effective under the authority of this Ordinance.
55
56
57
58
59
60
61
62
63
64

1 Section 20. SEVERABILITY.

2
3 If any section, paragraph, sentence, clause, phrase, or word of
4
5 Ordinance is for any reason held by the Court to be
6
7 unconstitutional inoperative or void, such holding shall not affect
8
9 the remainder of this Ordinance.
10

11 Section 21. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.


12 The provisions of this Ordinance shall become and be made a part of
13
14 the code of laws and ordinances of Palm Beach County, Florida. The
15
16 Sections of the Ordinance may be renumbered or relettered to
17
18 accomplish such, and the word "ordinance" may be changed to
19
20 "section," "article," or any other appropriate word.
21
22
23
24

25 Section 22. EFFECTIVE DATE

26 The provisions of this Ordinance shall become effective upon
27
28 receipt of acknowledgement by the Secretary of State.
29

30 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
31
32 Beach County, Florida, on the 16 day of July, 1991.
33
34

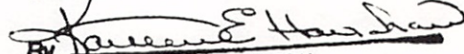
35 PALM BEACH COUNTY, FLORIDA BY ITS
36 BOARD OF COUNTY COMMISSIONERS

37
38 
39
40
41 Chairman

42
43 APPROVED AS TO FORM AND
44 LEGAL SUFFICIENCY

45
46 
47
48 County Attorney
49

50 JOHN B. DUNKLE, CLERK
51 Board of County Commissioners

52 By 
53
54 DEPUTY CLERK
55

56 Acknowledgement by the Department of State of the State of
57 Florida on this, the 22nd day of July, 1991.
58

59 EFFECTIVE DATE: Acknowledgement from the Department of
60 State received on the 25th day of July, 1991, at 10:38
61 A.M., and filed in the office of the Clerk of the Board of County
62 Commissioners of Palm Beach County, Florida.
63
64

59

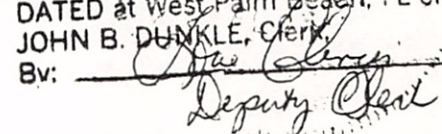
STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 7/16/91
DATED at West Palm Beach, FL on 7/30/91.
JOHN B. DUNKLE, Clerk
By:  D.C.

EXHIBIT "A"

Generic Substances List

- * Acid and basic cleaning solutions
- * Antifreeze and coolants
- * Arsenic and arsenic compounds
- * Bleaches, Peroxides
- * Brake and transmission fluids
- * Brine solution
- * Casting and Foundry chemicals
- * Caulking agents and sealants
- * Cleaning solvents
- * Corrosion and rust prevention solutions
- * Cutting fluids
- * Degreasing solvents
- * Disinfectants
- * Electroplating solutions
- * Explosives
- * Fertilizers
- * Fire Extinguishing chemicals
- * Food processing wastes
- * Formaldehyde
- * Fuels and additives
- * Glues, adhesives and resins
- * Greases
- * Hydraulic fluid
- * Indicators
- * Industrial and commercial janitorial supplies
- * Industrial sludges and stillbottoms
- * Inks, printing and photocopying chemicals
- * Laboratory chemicals
- * Liquid storage batteries
- * Medical, pharmaceutical, dental, veterinary and hospital solutions
- * Mercury and mercury compounds
- * Metals finishing solutions
- * Oils
- * Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds
- * Painting solvents
- * PCB's
- * Pesticides and herbicides
- * Plastic resins, plasticizers and catalysts
- * Photo development chemicals
- * Poisons
- * Polishes
- * Pool chemicals
- * Processed dust and particulates
- * Radioactive sources
- * Reagents and standards
- * Refrigerants
- * Roofing chemicals and sealers
- * Sanitizers, disinfectants, bactericides and algacides
- * Soaps, detergents and surfactants
- * Solders and fluxes
- * Stripping compounds
- * Tanning industry chemicals
- * Transformer and capacitor oils/fluids
- * Water and wastewater treatment chemicals

EXHIBIT "B"

Operating and Closure Permits*

	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>
Cash Bond	\$20,000	\$10,000	\$5,000
Permit Bond with Corporate Surety	\$20,000	\$10,000	\$5,000
Letter of Credit	\$20,000	\$10,000	\$5,000

*

Amounts reflected in this table are for each Operating and Closure Permit issued and may be adjusted by the Palm Beach County Department of Environmental Resources Management.

EXHIBIT "C"
Fee Schedule

1. WELLFIELD PROTECTION OPERATING PERMIT APPLICATION FEE -- All applicants for a Wellfield Protection Operating Permit shall pay a non-refundable filing fee according to the following schedule:

<u>Wellfield Zone</u>	<u>Permit Fee</u>
1 or 2	\$550
3	\$350
4	\$275

The filing fee shall be paid prior to acceptance of the permit application for review. The fee shall be used to defray the cost of administering this Ordinance.

2. FEE FOR PERMIT TO APPLY PESTICIDES IN WELLFIELD ZONES -- All applicants for a permit to apply pesticides in Wellfield Zones shall pay a non-refundable filing fee in the amount of \$150. The filing fee shall be paid prior to acceptance of the permit application for review. The fee shall be used to defray the cost of administering this Ordinance.
3. CLOSURE PERMIT FEE -- All applicants for a closure permit shall pay a fee equal to one-half (1/2) of the fee for the Wellfield Protection Operating Permit Application.
4. PERMIT TRANSFER FEE -- The fee for transfer of any Wellfield Protection Operating Permit, permit to apply pesticides or closure permit shall be fifty dollars (\$50) to defray the cost of processing the transfer.
5. ANNUAL PERMIT RENEWAL FEE -- Beginning October 2, 1990, all permittees shall pay an annual permit renewal fee for each permitted facility to defray the costs of administering this Ordinance. The fee shall be paid according to the following schedule:

<u>Wellfield Zone</u>	<u>Permit Fee</u>
Zone 1	\$150
Zone 2	\$100
Zone 3	\$ 75
Zone 4	\$ 50
Permit to Apply Pesticides	\$ 35

All permits issued prior to September 30, 1990 are subject to an annual fee for the year beginning on the following October 1. Any permits issued in subsequent years are subject to an annual fee the following October 1.

6. SPECIAL EXEMPTION FEE -- Any person seeking a special exemption shall pay a fee of \$200 to defray the cost of processing the request, in addition to any appropriate permit fees.
7. GENERAL EXEMPTION FEE -- Any person seeking a general exemption pursuant to Section 12.02, 12.03 or 12.07 shall pay a fee of \$100 to defray the cost of processing the request, in addition to the appropriate permit fees.
8. EXISTING FACILITIES -- Facilities existing prior to the adoption of this fee schedule shall have a minimum Permit Application Fee of twenty-five (\$25) dollars up to 2500 square feet of space in which the permitted activity occupies. Facilities greater than 2500 square feet will be charged five (\$5) dollars per 1000 square feet with a maximum fee of Five Hundred (\$500) dollars. A late fee of twenty-five (\$25) dollars shall be charged if the application for permit is late.
9. LATE FEE -- A fee of ten percent of the application fee or a minimum of twenty-five (\$25) dollars for annual renewals shall be charged if the application for permit or annual renewal fee is late. Should the application with associated fees not be provided within sixty (60) days from the date due, then additional late fees of Fifty Dollars (\$50) per month shall be charged until the application and fees are received.

EXHIBIT "D"

"Best Management Practices" for the Construction Industry

- A. The general Contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any Regulated Substances. For instance, handling Regulated Substances in the proximity of water bodies or wetlands may be improper.
- B. If any regulated substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 55 gallons, or 440 pounds, or more containing Regulated Substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density and composition that will prevent the discharge to the land, groundwaters, or surface waters, of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150% of the contents of all storage containers above the containment system.
- C. Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a Regulated Substance and shall be familiar with procedures required to contain and clean up any releases of the Regulated Substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.
- D. Upon completion of construction, all unused and waste Regulated Substances and containment systems shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.

EXHIBIT 'E'

Organic Priority Pollutants Referred to in Section 5.02(g) of
this Ordinance Referencing Chapter 17-550, Florida Administrative Code

endrin	bromobenzene
lindane (g-BHC)	bromomethane
methoxychlor	chlorobenzene
toxaphene	chloroethane
2,4-D	p-chlorotoluene
2,4,5-TP	chloromethane
bromodichloromethane	dibromomethane
dibromochloromethane	dichlorodifluoromethane
bromoform	1,1-dichloroethane
chloroform	trans-1,3-dichloropropene
	cis-1,2-dichloroethene
trichloroethene	1,2-dichloropropene
tetrachloroethene	1,3-dichloropropene
carbon tetrachloride	2,2-dichloropropene
vinyl chloride	cis-1,3-dichloropropene
1,1,1-trichloroethane	ethylbenzene
1,2-dichloroethane	methylene chloride
benzene	1,1,2-trichloroethane
ethylene dibromide	trichlorofluoromethane
p-chlorobenzene	1,2,3-trichloropropene
1,1-dichloroethene	toluene
styrene	m-xylene
m-dichlorobenzene	o-xylene
o-dichlorobenzene	p-xylene
1,2-dibromo-3-chloropropane (DBCP)	bis(2-ethylhexyl) phthalate
1,1,1,2-tetrachloroethane	butyl benzyl phthalate
1,1,2,2-tetrachloroethane	di-n-butylphthalate
methyl tert-butyl-ether (MTBE)	diethylphthalate
1,1-dichloropropene	dimethylphthalate
o-chlorotoluene	2,4-dinitrotoluene
	dioctylphthalate
aldrin	hexachlorocyclopentadiene
chloradane	isophorone
dieldrin	2,3,7,8-tetrachlorodibenzo-p-dioxin
heptachlor	1,2,4-trichlorobenzene
aldicarb	PCB-1016
aldicarb sulfoxide	PCB-1221
aldicarb sulfone	PCB-1232
dalapon	PCB-1242
carbofuran	PCB-1248
oxamyl	PCB-1254
simazine	PCB-1260
atrazine	
picloram	2-chlorophenol
dinoseb	2-methyl-4,6-dinitrophenol
alachlor	phenol
metolachlor	2,4,6-trichlorophenol
dicamba	
pentachlorophenol	

INORGANIC PRIORITY POLLUTANTS

Referred to in Section 5.02(g) of this Ordinance

Mercury	Lead
Cadmium	Arsenic
Chromium	Selenium
Nickel	Cyanide

EXHIBIT "F"

MINIMUM STANDARDS FOR SEWER PIPE FITTINGS, COATINGS, and LEAKAGE TESTING:

A. Ductile Iron Pipes and Fittings for Gravity Sewer and Force Main Application:

1. Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.51-86 unless otherwise noted on the plans. The pipe shall be Class 50 thickness for pipe 6 in. or larger in size and Class 51 for pipe smaller than 6 in. Glands for mechanical joints shall be of ductile iron or cast iron.
2. Fittings shall conform to the requirements of ANSI/AWWA C110/A21.10-87. Fittings 12 in. and smaller shall have a 250 psi minimum working pressure.
3. Flanged ductile iron pipe shall be Class 53. Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15-83. All flanges shall be Class 1560, ANSI B16.5. All above grades flanges shall be flat faced unless they are mating up to existing, or otherwise specified, raised flanges. All gaskets shall be full faced 1/8" red rubber.
4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11-85.

B. Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications:

1. Gasketed Joint Pipe:

a. Pipe 4 in. or larger in diameter shall conform to the requirements as set forth in AWWA C900-81 with dimension ration DR 18. Provisions must be made for contraction and expansion at each joint, or with rubber ring and an integral bell as part of each joint, or by a rubber ring sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe equivalent outside dimensions.

b. Pipe smaller than 4 in. in diameter shall conform to Commercial Standard CS 256 and ASTM D-22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring sealed coupling. Pipe shall be made from SDR 21, 200 psi clean, virgin NSF approved Type I, Grade 1 PVC conforming to ASTM D-1784. Clean reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than 4 in. in diameter shall be PVC.

C. Coatings: The lining material for ductile iron pipe and fittings shall be virgin polyethylene complying with ANSI/ASTM D1248, compounded with an inert filler and with sufficient carbon black to resist ultraviolet rays during aboveground storage of the pipe and fittings. The polyethylene shall be bonded to the interior of the pipe or fitting by heat.

D. Leakage Tests: The test shall be of two (2) hour duration. During the test, the pipe being tested shall be maintained at pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AMHA C-600, Section 4.2.. No more than 500 feet of gravity sewer main or 1000 feet of force main shall be tested at one time.

nE. Manholes: Manholes shall be precast and coated with an inert impervious material. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage.